

REMARKS

Claims 1-64 are pending in the present application. Applicants once again thank the Examiner for allowing claims 2-15, 19, 21, 24 and 29-60.

In the Office Action of September 13, 2004, the Examiner stated that in the Amendment filed on June 15, 2004, Claim 1 (currently amended) did not show the amended material via underlining or striking through. Applicants respectfully disagree. In the line immediately below formula B in claim 1, the comma was struck through immediately after "R₁" in the Amendment filed on June 15, 2004. Thus, the Amendment filed on June 15, 2004 was in full compliance with 37 CFR 1.121 and should be entered.

The Supplemental Amendment filed on September 14, 2004 crossed in the PTO paper flow process with the Office Action of September 13, 2004. In order to make the record more clear, the present Second Supplemental Amendment amends the claims shown in the Amendment filed on June 15, 2004 (i.e. assuming that the Amendment filed on June 15, 2004 was entered and the Supplemental Amendment filed on September 14, 2004 was not entered).

To help the Examiner identify the amended portions of the claims, applicants would like to direct the Examiner's attention to the semicolon inserted after the term "formula B" (immediately above formula B) in claims 1, 4-9, 11 and 22 in case the Examiner may miss it for being not very prominent.

The replacement of "substituted lower alkoxy" with "substituted or unsubstituted lower alkoxy" in claims 1, 8, 9, 11 and 22 is supported by claim 1 as filed on February 4, 2002. The replacement was necessitated by the inadvertent omission of "or unsubstituted" before "lower alkoxy" in claim 1 in the Amendment filed on February 13, 2003. Applicants did not intend to delete "or unsubstituted" because the Amendment filed on February 13, 2003 did not strike through "or unsubstituted" in claim 1 ("or unsubstituted" was simply omitted) and because for omeprazole or pantoprazole to be produced by the process of claim 1 R₂ must be methoxy, which is a unsubstituted lower alkoxy (see claims 25 and 27).

The other amendments to claims 1, 4-9, 11, 12, 17, 18, 22, 35, 46 and 47 are cosmetic and would not narrow the scope of the amended claim recitations. For instance, the correction of the spelling of "alkyl" in claim 8 and the replacement of "formula B" with "formula B:" in claims 1, 4-9 and 22 would not narrow the scope of the amended claim recitations. The insertion

of a period at the end of claims 9, 11 and 35, the deletion of an extra period in claim 46, and the replacement of "the" with "a" in claim 12 have been done merely for grammatical purposes.

Applicants respectfully traverse the indefiniteness rejection of claims 25-28. Applicants submit that a person skilled in the art would have clearly understood that each of claims 25-28 is drawn to a drug, i.e. omeprazole, lansoprazole, pantoprazole or rabeprazole, containing a sulfone by-product, wherein the drug contains less than about 4.5% of the sulfone by-product. Applicants request that the rejections of claims 25-28 be withdrawn.

CONCLUSION

In view of the above reasoning, applicants respectfully submit that all the claims are allowable. A Notice of Allowance is believed in order.

In the event that the filing of this Amendment is deemed not timely, applicants petition for an appropriate extension of time. The petition fee, and any other fees that may be required in relation to this paper, can be charged to Deposit Account No. 11-0600.

Respectfully submitted,

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